

1882-002 Chancery Causes: Mary E. Hamblen vs. Adm. of Thomas M. Hamblen &c
Lee Co.

Ely, Graham, Grubb, Morgan, Lowell, Campbell, King,
Gregory, Orr, Havelly, Blundell

CA. Estate Dispute
T-Property

Will: 1865; Robert P. Hamblen: Lee County

To the Honorable judge of the Circuit ^{Circuit}
Court of Lee County -

Your oratrix Mary E. Hamblen
humbly complaining, represents that on
day of 1 18 she intermarried
with one Robert Hamblen, who departed
this life on the 27th day of ~~October~~ ^{October} 1859
intestate in fact; but she states, that
after his death a paper was found, which
was executed previous to the marriage
with him. ^{to wit - last year 1856} This paper one Richard M.
Hamblen, procured, in the County Court
of said County, as the last will and
testament of the said Robert, and the same
was by the said Court, admitted to probate
as and for his last will, at the February
term of the said Court, for the year ¹⁸⁶⁷ ~~1859~~.
And for his last will. A copy of this pa-
per, together with a transcript, of the record
admitting the same to record, is herewith
filed, as part of this bill marked A.

At which time Richard M. Hamblen
who was named as executor in said
writing, qualified, as such.

Your oratrix states, that she is advised
that the said paper, thus admitted to
probate, as the will of her said Husband
ought to have been rejected, and hee
null and void, because, because the
marriage of the said Robert P. Hamblen
with your oratrix, subsequent to the
execution thereof, worked a revocation
thereof. - The said will was admitted,

to probate, on the motion of the said Richard M. Hamblen, and no one being summoned in to contest its validity, she supposes. The facts were not made known, to the court, else it could not so egregiously err. —

Here youratrix thinks proper to state, that she was the mother, of one child by her said husband, who departed this life before its father: And he, her said husband, departed this life, without any lineal descendants, living at the time of his death. Under those circumstances she is advised that she is entitled as distributee, to the one-half of his personal estate, after the payment of his debts.

She further states that dower, has already been assigned, in her said husband's real estate, but she has received nothing out of his personal estate — The said Richard M. Hamblen, acting as executor of the paper admitted to probate, as the last will of the said Robert, took into possession all the personal estate; the amount of which youratrix does not know; but she believes, from the best information she can obtain, there must be a large personal estate. — The said Robert P. had been for many years before his death, a practicing physician, with an extensive and lucrative practice; he had also been interested, in some two or three, mercantile, establishments. One of which, she is informed was in the State of Tennessee, under the

conduct and controul of the said Richard M. — But as these things are unknown to youratrix in details and known to the said Richard M. She prays that he be compelled, to discover the mercantile firms in which the said Robert P. was interested, with the said Richard M.; and unsettled at the time of the said Robert P.'s death: that the state of the business so far as known to him be fully and fairly discovered, so as to exhibit the amount the said Robert was entitled to:

He will also give a statement of all debts, which were due, her husband or in which he had an interest, so far as he may know; and also state specifically, the whole personal estate which has come to his hands. Youratrix is advised that the said Richard M. will be viewed as an executor de son tort and held strictly responsible, for all the estate over which he has assumed, to exercise legal controul. She now states the devise under said will one Tho^m. Hamblen who is dead

leaving one ^{son} named Chas^s Hamblen, Richard M. Hamblen, Henry Hamblen, James Hamblen, Lucina Graham ^{who has in Germany with the given} ~~Long~~ Cynthia Lowell wife of Henry Lowell, Rachel Perry, and Jane Gregory ^{who has for some years with George Campbell} ~~Long~~ ^{The said Thomas M. Henry, Hamblen Long, Lucina} ~~Graham~~ are dead

The object of this bill therefore is to have the said writing, admitted, to probate, as the last will and testament of the said Robert P. Hamblen, deceased. set aside held void

and counted for naught. She therefore prays
 That the said Richard M. Hamblin, executor
 & devisee, and the following devisees to wit
 Andrew M. Elly admr of the estate of Thomas M. Hamblin, Champ Hamblin
 the heir at law of the said Thomas M. Hamblin, Henry J
 Morgan admr of Henry Hamblin, James Hamblin, Lavinia Graham
 Henry Tawell and Cynthia his wife Thomas Grubb and Rachael his
 wife George Campbell and Lucy his wife ^{perhaps L. Hamblin}
 be made parties defendants to this bill, and
 answer the same on oath; that on a hearing
 a decree be rendered in this cause, setting
 aside and holding void the said writing
 probated, as the last will & testament of
 Robert P. Hamblin deceased. That distribution
 according to the law of descents be
 made among the parties, entitled as though
 no prior or pretended will had been pro-
 bated. That the said Richard M. make all
 and singular the discoveries collect for in
 this bill - And for a guardian ad litem
 to be appointed to protect & defend the
 infant devisees - And for all such other
 further & general relief as may in equity be
 deemed just My spe issue &c -

Hayan & Inclumey

+ Your brother filed here to a copy of his marriage certificate
 with the said R. P. Hamblin as evidence of the fact
 and to show when the marriage was celebrated.

Mary L. Hamblin

Bill in Chy

Richard M. Hamblin

1871 March 11th

1871 March 11th

1871 March 11th

1871 March 11th

1871 March 11th

1871 March 11th

1871 March 11th

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1871 March 11th

To the Hon John A Kelley Judge of the Circuit Court
of Lee County

Yours Obedient Son, E Hamblen humbly complaining
represents that on the 27 day of October
1859 he intimated with one Robert P Hamblen
who departed this life intestate in fact on
on the ~~27th~~^{19th} day of ~~October~~^{January} 1859 - She states
that after his death his death a paper was
found which had been executed by him on
the 19th day of January 1856 and which
was at the time of its execution intended
to be his will. This paper was produced
in the County Court of said County by Rich^d M
Hamblen, on the 18th day of December 1865
for probate and after several continuances,
the same was admitted to probate as
and for the will of the said Robt P
Hamblen at the February term 1867,
and the said Richard M Hamblen adjudged
as the executor. This proceeding was
entirely ex parte, no one having, nor
was any one summoned to oppose the
same. A transcript of the said paper is
admitted to record is true with like matter
A. The devises under said will are
Thos. M. Hamblen. Rich^d M. Hamblen. Rachael
King. Jane Gregory. Lavinia Graham. - And
by another clause he bequeaths one dollar
to his mother and each of his brothers & sisters

Your brother states that she is advised that
the said paper admitted to probate as the will
of her said husband was not ^{his} will because
it was made and executed by him previous
to his marriage with your brother which
as before stated was on the 27 day of Oct
1859 which will more satisfactorily appear
from a transcript of the marriage certificate
herewith filed marked B.

The object of this bill is to have the said
paper admitted to probate as aforesaid set aside
and annulled, - and further to have it
ascertain the property which belonged to her
said husband and to obtain a decree for
her distributable share against the proper party,

She states that her dower has been assigned
her out of the land owned by her husband
at the time of his death and nothing further
is sought out of his real estate,

Your brother gave birth to one child by
her said husband, - it died before its father
who has left no lineal descendants. And
she is therefore advised that she is by law
entitled to one-half of his personal estate
The said Nicholas M. Hambley has taken possession
of all the personal estate which belonged to her
husband the amount whereof is unknown to
her. She thinks it must have amounted

to several thousands dollars. He was a
physician and had a great many debts due
him. And besides he and the said Richard
M had been engaged in the mercantile
business for many years, which was fully
conducted by the said Richard and large
profits were realized all of which are
in his hands - The devise that Mr
Hamblin is dead. he left one son, his heir at law
his name is Champ. And Andrew M Ely is
the administrator of the estate, Lavinia Graham
is also dead her personal representative is Chas.
L Hamblin. The said Rachael Thurf is married
to one Thos Smith and Jane Grogan is
married to George Campbell, - Lavinia Hamblin
the mother of the said Thos P is also dead
and her estate has been committed to the
said Chas L Hamblin.

The said Thos P. Hamblin's distributees were
the following to wit Richard M. Hamblin
Thos M. Hamblin, Henry L Hamblin, James
Hamblin, Cynthia Lauce wife of Henry
Lauce, Edie Graham wife of Thos Graham
Lavinia Hamblin, his mother, and Jane
Ooster, The said - The said Henry L
Hamblin is dead and Henry J Morgan is
the administrator of his estate, Edie Graham
is also dead and her estate has been committed
to Chas L Hamblin Shff.

The prayer of your Orator therefore is that the
said deceased legatee and distributees of
deceased Mr. P. Hamblin be made defendants
to this bill and answer the same on oath
that the said Richard M. Hamblin fully disclose
all the matters pertaining to the partnership
true and false business between him and the said
Robert P. And show the purchases and sales
made and profits realized and how much
is in his hands or under his control as survivor
and what came to his hands, and further
disclose all other effects which came to his
hands belonging to the said Robert P. That
on a hearing the said paper admitted to probate
be annulled and that a commission be
directed to state settle and adjust his account
so as to have his liability ascertained
to the estate of his said husband and
that a decree be rendered in favor
of your Orator and the other distributees
according to their rights, and
grant general relief.

Hayan

Orcl. #16.41

May E. Hamble

12 { Bill

Nick. M. Hamble

1871. March Bill filed & cont. for Sp. A.

" Apr. Sp. A. in on home depts & S. N. as to them & cont. for O. P. vs. Nonresidents.

" May Decree Nisi Cont. as to home depts & cont. for O. P. vs. Nonresidents.

" June O. P. Camp. to vs. Nonresidents & S. N.

" July Decree Nisi vs. same Confirmed.

" Aug. Continued, Sept. Continued.

" Oct., Nov. & Decr. Continued.

1872. Jan., Feb., Mar., April & May Continued.

" June, July, Aug., Sept. & Oct. Continued.

" Nov. & Decr. Continued.

1873. Jan., Feb., Mar., April, May & June Continued.

" July, Aug., Sept., Oct., Nov. & Decr. Continued.

1874. Continued this year.

1875. Jan. & February Continued.

" Mar., April, May, June & July Contd.

" Aug., Sept., Oct., Nov. & Decr. Contd.

1876. Contd. this year.

1877. Contd. " year.

1878, 1879, & 1880. Contd.

1881. contd. to Apr. 1882.

Ed. 16.

To the Honorable John A. Kelly, Judge of the Circuit
Court of Lee County Virginia in Chancery sitting
The separate answer of Charles L. Hambleen late Sheriff
and Admr of the Estates of Lorina Graham deceased
and Thomas P. Hambleen deceased. To a bill filed
in this Honorable Court against R. M. Hambleen
~~this respondent~~ as Admr of said estates and
others by Mary E. Hambleen This respondent over
sues and reserves the benefit of all past and
proper exceptions to said complainants bill
for any and all more contained in it for
answer thereto says That the Term ^{18.} of the
County Court of Lee County the estate of Lorina
Graham was committed to him as sheriff of
said county and at the Term 18 of said
Court the estate of Thos P. Hambleen was also
committed to so Sheriff aforesaid. This res
pondent has no personal knowledge of the
allegations of said bill and therefore neither
admits nor denies them being only a
personal representation of said estates
he asks that the rights of the decedents
where he represents may be fully protected

and That such decree be rendered by your
honor as will secure said rights and
now having answered as fully as he is
advised it is material for him to answer
he prays to be hence dismissed with his
costs

Charles L Hamblen late
Sheriff and Ave of the estates
of Larina Graham & Thos P Hamblen

Mary L Hamblen

vs John of Col Hamblen

Advers He

R M Hamblen et al

Virginia

In the Clerk's office of the Circuit Court of Lee County, on
Tuesday, the 28th day of February 1871.

Mary E. Hamblen Plff
vs. } In Chy.
Andrew M. Ely, Admr. of Thomas M. Hamblen and others Defts.

The object of this suit is to set aside a writing admitted to record in the County Court of said County as the last will and Testament of Robert P. Hamblen dec'd, render the same void and counted for naught. And it appearing from evidence filed in the cause that Champ Hamblen, Richard M. Hamblen, James Hamblen, Lavinia Graham and Thomas Grubb and wife are non-residents of this Commonwealth. They are, therefore, ordered to appear here within one month after due publication of this order and do what is necessary to protect their interest in this suit.

A copy -

Teste James W. Orr clk

I certify that on Monday, the 20th day of March 1871, that being Court day, I posted at the front door of the Court House of Lee County a copy of above order. Given under my hand the day of March 1871.

James W. Orr, clk
Cir. Court Lee County


Mary E. Hambley

vs. { order of Publication

Richard M. Hambley & others

Virginia, Lee County, to wit: -

This day James W. Orr, personally appeared before me, the undersigned, and made oath that Champ Hambley, Richard M. Hambley, James Hambley, Lavina Graham, and Thomas Grubb wife are, as ^{has} been informed and verily believes, non-residents of the Commonwealth of Virginia. Given under my hand this 28th day of ^{February} March 1871.

J. R. Wall - J. P.


Mary E. Hambleton

vs. { affidavit

Richard M. Hambleton
+ others.

Robert P. Humblins Will

W

Not chd.

In the name of God, Amen! I, Robert P. Hambleton, of Lee County, Virginia, being of sound and disposing mind, and considering the uncertainty of this life, do make and ordain this my last will and Testament, hereby revoking all others, which I may have heretofore made.

1. After willing and bequeathing my soul to God who gave it, I will and bequeath unto my brother Thomas M. Hambleton my land on which I live, consisting of one tract conveyed to my father Champ Hambleton deceased, by Richard Beatty deceased, one by Thomas Scott, one grant by the Commonwealth of Virginia to my father, and one grant to myself, said grant lying in the Cedars.

2nd. I will and bequeath unto my two brothers Richard M. Hambleton and Thomas M. Hambleton jointly, all the land which I now own, which once belonged to the Ely tract, conveyed to me by Henry D. Hambleton, John M. M. Ely, and two of Charles Havelly's daughters, also my interest, which is my part as distributee of the estate of Daniel B. Hambleton deceased, in the Stone-house tract with the following exceptions:-

3. I will and bequeath unto my two brothers Richard M. Hambleton and Thomas M. Hambleton all my personal estate, together with all both real and personal - that I may hereafter acquire in consideration that they jointly pay to Rachael King two hundred dollars, Jane Gregory one hundred dollars, and Levis Graham one hundred dollars.

4. I will and bequeath unto my mother, brothers, and sisters and their heirs each the sum of one dollar. I do hereby constitute and appoint my brother Richard M. Hambleton Executor of this my last will and Testament.

Witness, my hand and seal this, 19th, day of January in the year of our Lord one thousand eight hundred and fifty-six.

Witnesses:-

Robert P. Hambleton (seal)

David Miller

John ^{his} P. Ridings
mark.

Virginia.

At a County Court begun and held for Lee County, at the Court-House thereof, on Monday, the 18th day of December 1865.

The last will and Testament of Robert P. Hambleton deceased, was this day produced in Court, and proved by the oath of David Miller, one of the subscribing witnesses thereto, and continued for further proof; and on the motion of Richard M. Hambleton, the executor therein named, a Commission is awarded him to take the deposition of John P. Ridings the other subscribing witness thereto, who is a non-resident of this state, and permission is granted the said Hambleton, Executor as aforesaid, to withdraw the aforesaid original will and Testament, and leaving in its stead an attested office copy.

And at another day, to wit: At a County Court begun and held for Lee County, at the Court-House thereof, on Monday, the 18th day of February 1867.

The last will and Testament of Robert P. Hambleton deceased was this day again produced in Court upon the further evidence of David Miller, one of the attesting witnesses thereto, who testified that the said Robert P. Hambleton, in the presence of himself and John P. Ridings, the other attesting witness thereto, at the same time, and in the presence of each other, acknowledged the said writing to be his act and deed; and desired the witness and the said Ridings to sign the same as attesting witnesses. Whereupon the said will, being duly stamped, is ordered to be recorded; and on the motion of Richard M. Hambleton, the executor therein named, who took the oath as such executor and, together with Harvey M. Hall and Thomas Baylor, his securities, entered into and acknowledged a bond in the penalty of \$1500.00, conditioned according to law, leave is granted him for obtaining Probate of the said will in due form, the said bond being duly stamped.

Copies - Teste Henry J. Morgan, Clerk.

A copy -

Teste J. B. West, D. C.

Register of Marriages

Date of Marriage - 1869 October 37th

Place of Marriage - Washington County Va

Name of Husband - Robert Perry Hamblen -

Name of Wife - Mary Elizabeth Blundell -

Age of Husband 38 years 11 months 15 days

Age of Wife 37 years 4 months 4 days

Condition of Husband before Marriage - Widowed.

" " Wife " " - Widowed

Place of Husband's Birth Lee County Virginia

" " Wife " Washington County Virginia

Place of Husband's Residence, Lee County Virginia

" " Wife " Washington County Va

Names of Husband's Parents, Champ & Lavinia Hamblen

Names of Wife's Parents - Geo & Rebecca A Sandoe

Occupation of Husband, Physician

Name of Person performing Marriage Ceremony }
Geo R Barr }

Remarks, Certificate of Minister

Virginia Washington County To wit

I Wm G L Lowry Clerk of the County
Court of the County and State aforesaid do
Certify That the foregoing is a correct copy
from the Register of Marriages in my said office
Given under my hand this 6th day of March 1873 -

Wm G L Lowry, C. C.

May E Hamble
cuti picot in
Maniaye

B

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING;

WE COMMAND YOU TO SUMMON

Andrew M. Ely, Admr of the Estate of
Thomas M. Hamblen Decd, Champ Hamblen, the Heir at law of the
said Thomas M., Richard M. Hamblen, Henry J. Morgan Admr of the
Estate of Henry Hamblen Decd, James Hamblen, Larina Graham,
Henry Powell & Cynthia his wife, Thomas Grouble and Rachael his
wife, George Campbell, and Jane his wife, and Charles T. Hamblen
Sheriff, Admr of the Estate of Larina Hamblen Decd.

to appear before the Judge of our County Court, for Lee County, at the Court-House in the Clerk's
Office, at Rules to be holden for said Court, on the first Monday in *April* next,

to answer a bill in Chancery, exhibited in our said Court, against *them* by *Mary E*
Hamblen

And have then there this writ. Witness, *James* JOHN W. ORR, Clerk of our said Court, at the
Court-House, this *27th* day of *February* 1871, in the *95th* ^{year} of the
Commonwealth.

James W. Orr Clerk.

S

H. & C.

Mary E Hamblen

vs J. Spa in Chancery
(9 copies)

Andrew M. Ely ^{Adm'r}_n

April Rules 1877.

Presented on Oct 16
by H. J. Johnson
H. Gould & wife
George Hamblen &
Jesse his wife by
depositing & attested
official copy not presented
on the next they not
being in the courtroom
M. E. Hamblen S. & C.
I accept the legal
Service of the within
notice

M. E. Hamblen S. & C.
+ adm'r for

(Tax Paid.)

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*Andrae M. Ely, Admr of the Estate of
Thomas M. Hamblen Decd, Champ Hamblen the Heir at Law of the
said Thomas M., Richard M. Hamblen, Henry J. Morgan Admr of the
Estate of Henry Hamblen Decd, James Hamblen, Lucina Graham, Henry
Smell & Cynthia his wife, Thomas Goulb., and Rachael his wife,
George Campbell, and Jane his wife, and Charles L. Hamblen Sheriff
Admr of the Estate of Lucina Hamblen Decd.*

Resent
to appear before the Judge of our ~~County~~ Court, for Lee County, at the Court-House in the Clerk's
Office, at Rules to be holden for said Court, on the first Monday in *April* next,
to answer a bill in Chancery, exhibited in our said Court, against *them* by *Mary E*
Hamblen.

And have then there this writ. Witness, *James* ~~JOHN~~ W. ORR, Clerk of our said Court, at the
Court-House, this *27th* day of *February* 187/ , in the *95th* ^{year} of the
Commonwealth.

A copy

James W. Orr. Clerk.

Teste—James W. Orr. Clerk.

We acknowledge
That a copy of this
Summons was
legally & in due
form was previous
to the 1st Monday in
April 1871. to appear
of rules on this last
mentioned day and year
for the purposes herein
set forth.

Henry J. Morgan adm^r of
Henry D. Hamblet dec^d

J. L. Hamblet adm^r of
The Estate of Lawrence Hamblet
dec^d

VIRGINIA:

WASHINGTON COUNTY, TO WIT:

I do hereby certify that the annexed Notice has been published
four weeks successively, ending March 24 1871,
in the "ABINGDON VIRGINIAN," a newspaper published in the
town of Abingdon, Va. Given under my hand this *28th*
day of *April*, 1871.

Geo. O. Barry
Jr Ed. Virginian

VIRGINIA:—In the Clerk's office of the Circuit Court of Lee county, on Tuesday, the 28th day of February, 1871:

Mary E. Hamblen,

Plaintiff.

vs.

Andrew M. Ely, Admr. of Thomas M. Hamblen.
dec'd, and others,

Defendants.

IN CHANCERY.

The object of this suit is to set aside a writing admitted to record in the County Court of said county as the last Will and Testament of Robert P. Hamblen, dec'd. and render the same void and counted for naught: And it appearing from evidence filed in the cause, that Champ Hamblen, Richard M. Hamblen, James Hamblen, Lavina Graham, and Thomas Grubb and wife, are non-residents of this Commonwealth, they are, therefore, ordered to appear here within one month after due publication of this order, and do what is necessary to protect their interest in this suit.

Teste, JAMES W. ORR, Clk.

A Copy.—Teste,

JAMES W. ORR, Clk.

March 10, 1871—4w

Mr Henry E. Hambley.
vs & ^{certified} order Publications
Andrew M. Chy, Adm'r &c